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Friday, February 15, 2002

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In re

JESSE and JOAN ROSE,

[Debtor](#) (s).

No. 01-10225

DARWIN CHRIST,

[Plaintiff](#) (s),

v.

A.P. No. 01-1059

JESSE and JOAN ROSE,

[Defendant](#) (s).

## **Memorandum**

"In a case involving multiple claims, the court may exercise its discretion to deny summary judgment where it finds it better as a matter of judicial administration to dispose of all the claims and counterclaims at trial rather than attempt piecemeal disposition, or where part of the action may be ripe for summary judgment but is intertwined with another [claim](#) that must be tried." 28 Fed.Proc.L.Ed., Pleadings and Motions, § 62:572, citing Taylor v. Rederi A/S Volo, 374 F.2d 545 (3rd Cir. 1967) and Kollsman Instrument Corp. v. Astec Instrument Corp., 225 F.Supp. 534 (S.D.N.Y. 1964).

Since summary judgment is not appropriate as to the objection to Joan Rose's [discharge](#), the court declines to consider summary judgment as to the dischargeability claim against her. She will have to be present at trial anyway, and little or no extra trial or preparation time

will be necessary.

Dated: February 15, 2002

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Alan Jaroslovsky

U. S. [Bankruptcy Judge](#) 

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